

Replace the first paragraph of Section 00700, Paragraph 1.05 K with the following:

"The Contractor shall submit Monthly EEO/Apprentice Utilization Reports that will be used to document the Contractor's compliance with both the EEO and apprenticeship utilization provisions of the Contract. These reports shall be submitted on a monthly basis to the Owner's Apprenticeship Program Coordinator by the Contractor and each subcontractor whenever the Contractor or subcontractor is working on the project. The Contractor's first submittals are due at the end of the first month after the Contract start date specified in the Notice to Proceed, and at monthly intervals thereafter, until the Physical Completion Date has been established. Subcontractor submittals are due at the end of the month after commencement of their work and monthly thereafter."

Add the following new section, Section 00700, Paragraph 1.05A:

1.05A APPRENTICE UTILIZATION AND EEO REPORTING

A. GENERAL

1. Notwithstanding any other provisions in the Project Manual, this Contract does not require any specific levels of utilization of minority and women as apprentices, except as may be specified in any federal regulations or statutes included or referenced in the Contract Documents. All other requirements of the City's apprenticeship program shall apply as specified in the Contract Documents. The City encourages contractors to employ a workforce reflective of the region's diversity. Contractors shall adhere to all non-discrimination requirements as set forth in Federal and State laws and regulations and Seattle municipal code provisions.
2. The Owner has determined that there is a need for increased training and apprenticeship opportunities in the construction industry and that a diverse and well trained workforce is critical to the economic as well as social vitality of the region. In addition, the Owner has determined that compliance by the Contractor with the apprentice utilization requirements of the Contract must be consistent with the provisions of RCW 49.04 and WAC 296.04.
3. In establishing requirements for the use of apprentices on the Project, it is the Owner's intent to encourage the training and promotion of apprentices to journey level status.
4. Any questions regarding the apprentice utilization requirements of the Contract should be directed to Kathy Peterson, the Owner's

Apprenticeship Program Coordinator, at (206) 233-7111, hereinafter known as the Coordinator.

B. APPRENTICE UTILIZATION REQUIREMENTS AND GOALS

1. The Contractor shall ensure that fifteen percent (15%) of the total contract labor hours utilized on the Project are performed by apprentices registered with the Washington State Apprenticeship and Training Council, hereinafter known as SAC.
 - a) Total contract labor hours include additional hours worked as a result of change orders.
 - b) Total contract labor hours exclude hours worked by foremen, superintendents, supervisors, owners, and workers who are not subject to prevailing wage requirements. However, total contract labor hours shall include the hours worked by supervisors, foremen, and superintendents if it is determined that they are subject to prevailing wage requirements pursuant to the following criteria of WAC 296-127-015:
 - (2) Supervisors (e.g. foremen, general foremen, superintendents, etc.) are entitled to receive at least the journey level prevailing rate of wage for performing manual or physical labor:
 - a) For each hour spent in the performance of manual or physical labor if it is for more than twenty percent but less than fifty percent of their hours worked on a public works project during any given week.
 - b) For all hours worked in any given week if they perform manual or physical labor for fifty percent or more of their hours worked on a public works project during such week.
2. The Contractor shall include the apprentice utilization requirements of Section 00700, Paragraph 1.05A in all subcontracts executed for the Project, and ensure that all subcontractors working on the Project are notified of the apprentice utilization requirements. The Contractor is responsible for meeting the apprentice utilization requirements of the Contract, including overall compliance on all contract labor hours worked by subcontractors.
3. The Contractor shall make good faith efforts to:

- a) Ensure that apprentice hours worked are equally distributed in each trade/craft and consistent with the apprentice utilization percentage requirement of the Contract.
 - b) Recruit and hire minority and women apprentices for the Project. Of the apprentice utilization requirement percentage in Section 00700, Paragraph 1.05A, B1, the Contractor shall pursue a goal of using twenty-one percent (21%) labor hours performed by minority apprentices and twenty percent (20%) labor hours performed by women apprentices.
4. The Contractor shall ensure compliance with the apprenticeship training standards for each trade/craft classification used on the Project, as set forth by the Washington State Department of Labor and Industries.

C. APPRENTICE UTILIZATION PLAN

1. At the Preconstruction Meeting, the Contractor shall submit to the Coordinator, a comprehensive plan outlining how the apprentice utilization requirements will be met on the total contract labor hours. The plan shall include the following information, on a form to be provided by the Owner:
- a) A list of all trades/crafts to be used on the Project, including an estimate of labor hours by each trade/craft and the total labor hours to be used.
 - b) An estimate of the number of apprentices for each trade/craft to be used on the Project.
 - c) An estimate of the number of apprentice labor hours and percentage to be used by each trade/craft on the Project. The combined total number of apprentice hours used must equal or exceed the required apprentice utilization percentage (Section 00700, Paragraph 1.05A B1).
 - d) An estimate of the percentage of apprentice labor hours to be used by each trade/craft. The percentage of apprentice labor hours must be based on the estimate of total labor hours by each trade/craft.
 - e) An estimate of the start date for each trade/craft.

- f) A description of efforts the Contractor intends to make to ensure that the apprentice utilization requirement and goals are met.
 - g) A description of any assistance the Contractor believes will be necessary from the Owner to meet the apprentice utilization requirement and goals.
- 2. The Coordinator will provide assistance in directing the Contractor to available resources for hiring apprentices.
 - 3. The Contractor, the Engineer, and the Coordinator shall meet to discuss and modify the plan as may be appropriate.

D. CHANGES TO THE APPRENTICE UTILIZATION REQUIREMENT

- 1. If, during the term of the Contract, the Contractor determines that it will be unable to meet the apprentice utilization percentage required by Section 00700, Paragraph 1.05A B1, the Contractor may make a written request to the Engineer, (directed to the Coordinator), to reduce the required apprentice utilization percentage. The request shall include documentation of the Contractor's affirmative efforts to use SAC registered apprentices, including copies of correspondence between the Contractor and the SAC approved apprentice programs, union locals, and others. These documents must demonstrate that an inadequate number of apprentices are available to meet the required apprentice utilization percentage.
- 2. The Coordinator shall evaluate the request, and if appropriate, a change order shall be prepared by the Engineer reducing the required utilization percentage. If the Coordinator determines that a reduction in the required utilization percentage is not justified, the Coordinator shall communicate the decision in writing to the Contractor.

E. MONTHLY EEO/APPRENTICE UTILIZATION REPORT

- 1. The Contractor shall submit to the Coordinator a *Monthly EEO/Apprentice Utilization Report* in an electronic format to be provided by the Owner, for the Contractor and all subcontractors. The *Monthly EEO/Apprentice Utilization Report* form shall be completed by the Contractor and all subcontractors performing work on the Project during the reporting period. The report shall be submitted by the 15th of the month following the reporting period, to the Apprenticeship Program Coordinator, City of Seattle, Public Works and Consultant Contracting Section, 700 Third Avenue, Suite 800, Seattle, WA 98104.

2. The Contractor shall be responsible for reporting apprentice utilization data required by the Owner beginning with the first day of work for each apprentice. The Contractor's first submittals are due at the end of the first month after the Contract start date specified in the Notice to Proceed, and at monthly intervals thereafter, until the Physical Completion Date has been established. Subcontractor submittals are due at the end of the month after commencement of their work and monthly thereafter.
3. The Contractor shall report the following information on each apprentice:
 - a) Apprentice's Name
 - b) Social Security Number
 - c) Home Zip Code
 - d) Employment Status: New Hire or Existing Staff
 - e) Trade/Craft
 - f) State Apprentice Registration I.D. Number
 - g) Program Sponsor and/or Hiring Source
 - h) Apprentice Progression Period or Percentage
 - i) Ethnicity/Gender
 - j) Labor hours for Reporting Period by Ethnicity/Gender
 - k) Total labor hours and number of apprentice employees for reporting period by ethnicity/gender.
 - l) Total apprentice labor hours and number of employees to-date.
 - m) Summary information as noted on the form.
4. The Contractor shall report the following information on journey level employees:
 - a) Labor hours for reporting period by ethnicity/gender, for each trade/craft.
 - b) Total journey level labor hours by ethnicity/gender, for each trade/craft.
 - c) Total labor hours and number of journey level employees for reporting period by ethnicity/gender.
 - d) Total journey level labor hours and number of employees to-date.
 - e) Summary information as noted on the reporting form.
5. The Contractor shall submit such other information as may be requested by the Owner to verify compliance with the EEO and apprentice utilization requirements of the Contract. The Owner reserves the right to add, delete, or change as necessary the

information required by the Contractor on the *Monthly EEO/Apprentice Utilization Report* form.

F. APPRENTICE UTILIZATION MONITORING

1. The Coordinator shall verify the registration of each apprentice used on the Project with the Washington State Apprenticeship and Training Council.
2. The Coordinator shall monitor the apprentice utilization data provided by the Contractor. In the event that the Contractor is deficient in the use of apprentices, the Coordinator and the Engineer will meet with the Contractor to discuss the reasons for the deficiency and help the Contractor develop a written plan for meeting the requirement.
3. The Owner will make routine visits to the Project site for the purpose of confirming the use of apprentices.